

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOLLAR GOAL DISCOUNT, INC. et al.,

Plaintiffs,

-against-

UNITED STATES OF AMERICA,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/10/2020

20-cv-1695 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties' proposed Stipulation and Order of Settlement [ECF #30 ("Proposed Settlement")]. IT IS HEREBY ORDERED that, on Thursday, September 17, 2020 at 12:30 PM, the parties shall appear for a conference to discuss their Proposed Settlement. Specifically, the parties propose that "[t]his Court shall retain jurisdiction over this action to enforce this Stipulation." Proposed Settlement at 4. However, as the Court states in its Individual Rules of Practice in Civil Cases, the Court typically will not retain jurisdiction to enforce settlement agreements.

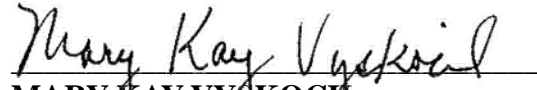
The parties have not cited any reason for the Court to conclude that this case may only be dismissed, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, by order of the court "and upon such terms and conditions as the court deems proper." Fed. R. Civ. P. 41(a)(2); *Hester Indus., Inc. v. Tyson Foods, Inc.*, 160 F.3d 911, 916 (2d Cir. 1998) (explaining that Rule 41(a)(2) does not apply to circumstances where the plaintiff can secure consent to a stipulated dismissal). The parties are free to settle this case, pursuant to Rule 41(a)(1)(A)(ii), on any terms they wish, and they will be bound by the terms and conditions of their stipulation of voluntary dismissal. 9 Wright & Miller, Federal Practice & Procedure § 2363 (3d ed. 2008). Such a voluntary dismissal by stipulation does not require judicial approval. *Torres v. Walker*, 356 F.3d

238, 243 (2d Cir. 2004). However, if the Court “so-orders” the parties’ Proposed Settlement and retains jurisdiction to enforce the terms of their agreement to dispose of this case, that disposition will carry the Court’s “judicial imprimatur.” *Id.*

Due to the ongoing COVID-19 pandemic, the conference to discuss the parties’ Proposed Settlement will be held by telephone. The conference can be accessed by calling the Court’s teleconference line at 888-278-0296 at the scheduled time. When prompted, enter Access Code 5195844. The Court will join once all of the parties are on the line.

**SO ORDERED.**

**Date: September 10, 2020**  
**New York, NY**

  
**MARY KAY VYSKOČIL**  
**United States District Judge**